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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,452	10/22/2003	Lawrence E. Hannon	HANN-001	1974

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EXAMINER
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VALENTI, ANDREA M

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/692,452	Applicant(s) HANNON ET AL.	
	Examiner Andrea M. Valenti	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-45 is/are pending in the application.
- 4a) Of the above claim(s) 46-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of claims 21-45 in the reply filed on 27 December 2004 is acknowledged.

### ***Claim Objections***

Claim 36 and 27 are objected to because of the following informalities:

Claim 27, line 1, "is adapted to be attached" should be --is attached--

Claim 36, line 8, "adapted to be removable" should be --is removable--

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-27, 33-37, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,073,017 to Stevens.

Regarding Claims 21 and 36, Stevens teaches an animal pen system comprising: (A) a body (Stevens #24) having a top surface and a bottom surface opposite the top surface, the body having a substantially planar shape, the body further having a perimeter; (B) a support wall (Stevens #30) connected to the body at the perimeter and extending outwardly from the top surface, the support wall being substantially perpendicular to the top surface; and (C) a removable pen wall (Stevens

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#12, 22 and 14) disposed within and retained by the support wall, the pen wall having a first end resting on the top surface, adjacent the support wall and a second end extending away from the top surface, the body forming a bottom of the animal pen system.

Regarding Claim 22, Stevens teaches at least one cord mount is located in the support wall (Stevens teaches that element #22 is sewn to element #30 and thus the apertures that the thread/cord/rope/stitching is passed through is a cord mount).

Regarding Claims 23 and 45, Stevens teaches at least one cord is attached to the cord mount (Stevens the thread/cord/stitching that passes through the apertures in element #30).

Regarding Claim 24, Stevens teaches the cord has a first end and a second end, the first and second end of the cord attached to the cord mount (Stevens teaches that the stitching goes around the perimeter of element #30 and thus both ends of the cord is attached).

Regarding Claim 25, Stevens teaches a hook is attached to the cord (do to the broad nature of the claim it can be interpreted that Stevens #59 is a hook and since applicant has not claimed that it directly attaches, element #59 is attached to the cord when the apparatus is in an assembled state via element #12 Fig. 3).

Regarding Claim 26, Stevens teaches first receiver is located in the hook, the cord passing through and retained by the first receiver (Stevens Fig. 3 element #16 is received into element #59).

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Regarding Claim 27, Stevens teaches the hook has a hook portion (Stevens #59 the portion that attaches to element #12) that is adapted to be attached to the pen wall such that the hook and cord retain the pen wall. to the body.

Regarding Claim 33, Stevens teaches wherein the pen wall is a fence (Stevens #22 i.e. barrier)..

Regarding Claims 34 and 35, Stevens teaches the body is flexible and can be folded such that the pen wall is contained within the folded body and the pen wall can be folded (Stevens Fig. 2).

Regarding Claim 37, Stevens teaches at least one attachment element is connected between the pen wall and the support wall, the attachment element removably retaining the pen wall to the body (Stevens stitching between element #30 and 22 is the attachment element).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,073,017 to Stevens in view of U.S. Patent No. 4,831,692 to Chuan.

Regarding Claim 28, Stevens is silent on the hook further includes a second receiver, the second receiver adapted to be grasped by a finger. However, Chuan teaches a hook with a second receiver (Chuan #212). It would have been obvious to

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one of ordinary skill in the art to modify the teachings of Stevens with the teachings of Chuan at the time of the invention since the modification is merely the selection of a known alternate hook means selected for its ergonomic advantage of being able to easily grasp onto the hook and pull it as taught by Chuan.

Regarding Claim 29, Stevens as modified teaches the hook further includes a hook body (Chuan #2).

Regarding Claims 30 and 31, Stevens as modified teaches the hook further includes a body rim and a receiver rim (Chuan #21 and Fig. 2).

Claims 32 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,073,017 to Stevens

Regarding Claims 32 and 44, Stevens is silent on a handle is attached to the bottom surface of the body. However, it would have been obvious to one of ordinary skill in the art to modify the teachings of Stevens as the time of the invention since the modification is an old and notoriously well-known ergonomic means of carrying for the advantage of ease of picking up the bottom piece to relocate the device into the shade.

Claims 25-31 and 38-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,073,017 to Stevens in view of U.S. 1,871,101 to Waltz and U.S. Patent No. 4,831,692 to Chuan.

Regarding Claims 25 and 38, Stevens teaches the cord is stitched through apertures to connect the support wall and the sidewall, but is silent on a hook is

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attached to the cord. However, Waltz teaches it is old and notoriously well-known to attach cords to an element in order to secure that element to another element (Waltz #15). It would have been obvious to one of ordinary skill in the art to modify the teachings of Stevens with the teachings of Chuan at the time of the invention since the modification is merely the selection of an alternate cord configuration selected for the advantage of assembling the system without the need of a needle. Stevens as modified by Waltz is silent on the hook; however, Chuan teaches hooks attached to cords (Chuan Fig. 2). It would have been obvious to one of ordinary skill in the art to further modify the teachings of Stevens with the teachings of Chuan at the time of the invention since it is old and notoriously well-known to place fasteners at the end of cords for ease of assembly and disassembly. The modification is merely a known alternate equivalent form of securing/attaching/fastening two elements together for ease of assembly and storage.

Regarding Claim 26, Stevens as modified teaches a first receiver is located in the hook, the cord passing through and retained by the first receiver (Chuan #221).

Regarding Claims 27 and 39, Stevens as modified teaches the hook has a hook portion that is **adapted to** be attached to the pen wall such that the hook and cord retain the pen wall to the body (Chuan.#211).

Regarding Claim 28 and 40, Stevens as modified teaches the hook further includes a second receiver (Chuan #212), the second receiver adapted to be grasped by a finger.

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Regarding Claim 29 and 41, Stevens as modified teaches the hook further includes a hook body (Chuan #2).

Regarding Claims 30, 31, 42, and 43, Stevens as modified teaches the hook further includes a receiver rim and a body rim (Chaun #21).

Regarding Claim 39, Stevens as modified teaches a first receiver (Chuan #221) is located in the hook, the cord retained by the first receiver and a hook portion (Chaun #211) is located in the hook, the hook portion attached to the pen wall such that the hook and cord retain the pen wall to the support wall.

### ***Response to Arguments***

Applicant's arguments with respect to claims 21-45 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kittywalk Systems Inc., Puppywalk Playpen [<http://www.midnightpass.com/kispupl.html>] retrieved from internet 7 December 2004, 3 pages.

U.S. Patent No. 5,317,788 and U.S. Patent No. 1,366,212

U.S. Patent No. 3,111,116; U.S. Patent No. 3,355,745; U.S. Patent No. 3,818,633; U.S. Patent No. 1,871,571; and U.S. Patent No. 2,363,916.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

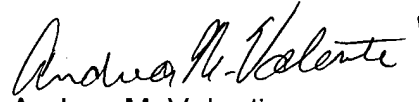
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrea M. Valenti  
Patent Examiner  
Art Unit 3643

29 June 2005



Peter M. Poon  
Supervisory Patent Examiner  
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6/30/05